

EXHIBIT 41, PART C

United States District Court

FOR THE DISTRICT OF HAWAII

NANCY GREENE, aka NANCY
MANISCALCO GREEN

Plaintiff,
v.

ANNA STRASBERG, as Administratrix
c.t.a. of the Last Will and
Testament of MARILYN MONROE

Defendant.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: Civil No.
(Non-Motor Vehicle Tort)

DEMAND FOR JURY TRIAL

TO: Name and Address of Defendant

ANNA STRASBERG, as Administratrix
c.t.a. of the Last Will and
Testament of MARILYN MONROE

C/O Irving P. Seidman

Attorneys for the Estate of Marilyn Monroe

600 Third Avenue

New York, New York 10016

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (Name and Address)

John Aaron Murphy Jones

Attorney at Law

1170 North King Street

Honolulu, Hawaii 96717

808 926-9078

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WALTER A.Y.H. CHINN

CLERK

Barbara Y. Yamada

BY DEPUTY CLERK



SEP 16 1992

JohnAaron Murphy Jones 4641
Attorney at Law
1170 N. King Street
Honolulu, Hawaii 96817
Telephone: 808 926-9078

Attorney for Plaintiff
Nancy Miracle aka
Nancy Maniscalco Green

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

NANCY MIRACLE,	)	CIVIL NO.
aka, NANCY MANISCALCO GREEN,	)	(Non Motor Vehicle Tort)
)	
Plaintiff,	)	NOTICE AND ACKNOWLEDGMENT
	)	OF RECEIPT OF SUMMONS AND
vs.	)	COMPLAINT
)	
ANNA STRASBERG, as Administratrix,)	
c.t.a. of the Last Will and)	
Testament of MARILYN MONROE.)	
)	
Defendant.)	
)	
)	
)	

NOTICE

To: ANNA STRASBERG
Administratrix of the Last Will
and Testament of Marilyn Monroe

C/O Irving P. Seidman
Attorneys for the Estate of Marilyn Monroe
600 Third Avenue
New York, New York 10016
Telephone (212) 922-1900

The enclosed summons and complaint are served pursuant to
Rule 4(c)(C)(ii) of the Federal Rules of Civil Procedure.

You must complete the acknowledgment part of this form and
return one copy of the completed form to the sender within 20 days.

JohnAaron Murphy Jones 4641
Attorney at Law
1170 N. King Street
Honolulu, Hawaii 96817
Telephone: 808 926-9078

Attorney for Plaintiff
Nancy Miracle aka
Nancy Maniscalco Green

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

NANCY MIRACLE,	)	CIVIL NO.
aka, NANCY MANISCALCO GREEN,	)	(Non Motor Vehicle Tort)
)	
Plaintiff,	)	NOTICE AND ACKNOWLEDGMENT
	)	OF RECEIPT OF SUMMONS AND
vs.	)	COMPLAINT
)	
ANNA STRASBERG, as Administratrix,)	
c.t.a. of the Last Will and)	
Testament of MARILYN MONROE.)	
)	
Defendant.)	
)	
)	

NOTICE

To: ANNA STRASBERG
Administratrix of the Last Will
and Testament of Marilyn Monroe

C/O Irving P. Seidman
Attorneys for the Estate of Marilyn Monroe
600 Third Avenue
New York, New York 10016
Telephone (212) 922-1900

The enclosed summons and complaint are served pursuant to
Rule 4(c)(C)(ii) of the Federal Rules of Civil Procedure.

You must complete the acknowledgment part of this form and
return one copy of the completed form to the sender within 20 days.

You must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within 20 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do not complete and return this form, you (or the party on whose behalf you are being served) must answer the complaint within 20 days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint will have been mailed on 9.18.92.


John Aaron Murphy Jones, Esq.

9.18.92
Date of Signature

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above-captioned matter at 600 Third Avenue, New York, New York 10016.

Relationship to Entity/Authority
to Receive Service of Process

Date of Signature

At Chambers of the Surrogate's Court
held in and for the County of New
York at the Surrogate's office in
the Hall of Records in said County
on the 29 day of October, 1962.

P R E S E N T :

HON. S. SAMUEL DIFALCO
Surrogate

OCT 30 1962
CLERK

Probate Proceeding, Will of

MARILYN MONROE

Deceased

DECREE ADMITTING WILL

P. 2781-1962

The citation herein having been duly issued, served
and returned, and the Surrogate having, on his own motion ap-
pointed ARTHUR N. FIELD, ESQ., special guardian of the decedent's
estate, mother, Gladys Baker, an incompetent, the allegations of the
parties appearing having been heard, and the proofs having been
duly taken by the Surrogate, among other things as to the
execution of the paper writing dated January 14, 1961 which has
been offered for probate as the Last Will of Marilyn Monroe,
and the probate of said Will not having been contested, and it
appearing to the Surrogate that the Will was duly executed,
and that the Testator at the time of executing it, was in all
respects competent to make a Will and not under any restraint,
it is

ORDERED, ADJUDGED AND DECREED that the instrument
offered for probate herein be and the same hereby is admitted
to probate as the Last Will and Testament of Marilyn Monroe,

EXHIBIT B

deceased, valid to pass real and personal property, and that letters testamentary be issued thereon to the Executor and Trustee, upon qualifying thereunder and executing a bond according to law with sufficient sureties to be approved by the Surrogate in the ~~sum~~ of 100,000 Dollars, for the Executor and in the ~~sum~~ of 50,000 Dollars, for the Trustee, for the proper performance of his respective duties;

And that ARTHUR N. FIELD, ESQ., the special guardian herein, is hereby allowed 1,000

Dollars as compensation for his services.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the letters testamentary shall contain an endorsement restraining the Executor from the receipt of assets exceeding the aggregate value of ONE HUNDRED THOUSAND (\$100,000.) DOLLARS until further order, and that letters of trusteeship shall contain an endorsement restraining the trustee from receiving assets in excess of FIFTY THOUSAND (\$50,000.) DOLLARS until the further order of the Surrogate.

P5429

Surrogate

Two bonds approved
October 30, 1962
PMS

ORIGINAL ADMITTED TO PROBATE
A TRUE COPY
Robert M. Kearns
CLERK OF THE SURROGATES COURT
CERTIFIED November 9, 1992

McKINNEY'S
CONSOLIDATED LAWS
OF
NEW YORK
APPELLATE DIV.
ANNOTATED
OCT 19 1965

Book 13
Decedent Estate Law

1965
Cumulative Annual Pocket Part
Replacing prior pocket part in back of volume

Always Consult
Your Latest McKinney's Session Law News

For Use 71547
During 1965-66 APPELLATE DIV.
LIBRARY

JUN 30 1967

BROOKLYN, N. Y. ROCHESTER, N. Y.
EDWARD THOMPSON COMPANY

DECEDENT ESTATE LAW

§ 26

Note 2

Where husband and wife were residents of Germany at time of execution of reciprocal testament, construction of its provisions would not be affected by their subsequent change of residence to New York, and German law would be applied in construing such testament. In re Hirschmann's Estate, 1953, 124 N.Y.S.2d 801.

9. Wills within section

This section is confined in its operation to the execution of a foreign will, its admissibility to probate and the interpretation of testamentary language rather than to validity of any of its provisions. In re Taylor's Estate, 1960, 24 Misc.2d 172, 200 N.Y.S.2d 103.

§ 26. Child born after making will

Whenever a testator shall have a child born after the making of a last will, either in the lifetime or after the death of such testator, and shall die leaving such child, so after-born, unprovided for by any settlement, and neither provided for, nor in any way mentioned in such will, every such child shall succeed to the same portion of such parent's real and personal estate, as would have descended or been distributed to such child, if such parent had died intestate, and shall be entitled to recover the same portion from the devisees and legatees, in proportion to and out of the parts devised and bequeathed to them by such will. As amended L.1955, c. 225; L.1964, c. 681, § 5, eff. June 1, 1965.

L.1955, c. 225, eff. April 2, 1955, provided that the right of a child born after making of will is subject to valid power of sale.

L.1964, c. 681, § 5, eff. June 1, 1965, omitted paragraph which provided: "The right of a child born after the making of a last will shall be subject to a valid power of sale expressed in the will of the testator or implied therein pursuant to the provisions of section thirteen of this chapter."

Estate and trusts affected by, and separability of, L.1964, c. 681, see notes under section 127.

Effective date. Laws 1955, c. 225, § 2, provided: "This act shall apply only to the estates of persons dying after the date on which this act takes effect [April 2, 1955]."

Supplementary Index to Notes

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Settlement

Time of making 8a

Time of making settlement 8a

Library references: Descent and Distribution § 47(3); Wills § 549, 785; C.J.S. Descent and Distribution § 45; C.J.S. Wills §§ 720, 1245, 1246, 1200.

1a. Construction with other laws

Where legislature periodically reviewed this section and section 35 providing that absent some settlement will is revoked by subsequent marriage and that after-born children not provided for by any settlement may take intestate share, and legislature substituted words "an antenuptial" agreement for words "some settlement" in section 35 regarding effect of subsequent marriage but took no action relative to this section regarding after-born children, various treatment suggested legislative approval of long continued judicial construction of this section regarding after-born children. In re Faber's Estate, 1953, 305 N.Y. 200, 111 N.E.2d 883.

2. Purpose

To same effect as fourth paragraph of original annotation, see, In re Smith's Will, 1953, 1 Misc.2d 451, 147 N.Y.S.2d 706.

Under this section, legislative purpose was to assure that if, through oversight, such children were neglected in will, other provision would be made for them. In re Faber's Estate, 1953, 305 N.Y. 200, 111 N.E.2d 883.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

NANCY MIRACLE,
a.k.a. NANCY MANISCALCO GREEN,

Plaintiff,

Civil No. 92-00605 (ACK)

- against -

AFFIDAVIT

ANNA STRASBERG, as Administratrix c.t.a. of the Last
Will and Testament of MARILYN MONROE,

Defendant.

State of New York)

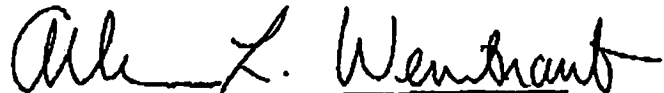
County of New York)

ss

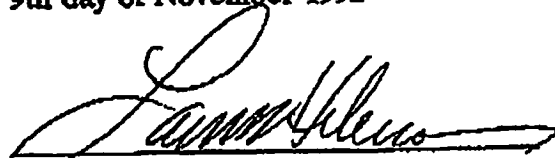
ALLEN L. WEINTRAUB, ESQ., an attorney duly licensed to practice in the State of New York and admitted in the United States District Court for the Southern and Eastern Districts of New York, upon information and belief, deposes and says:

1. I am associated with the law firm of Irving P. Seidman, P.C., attorneys for defendant Anna Strasberg in her capacity as administratrix of the estate of Marilyn Monroe, and submit this affidavit in support of defendant's motion to dismiss plaintiff's complaint.
2. On November 9, 1992, I obtained from the Surrogate's Court, New York County, a copy of the original Decree Admitting Will dated October 29, 1962. I have annexed a photocopy of said decree hereto as Exhibit "A."

3. Prior to the return date of this motion, I will cause to be transmitted to this Court a true copy of the Decree as certified by the clerk of the Surrogate's Court on this date.


Allen L. Weintraub

Sworn to before me this
9th day of November 1992


Notary Public

LAWRENCE H. SILVERMAN
Notary Public, State of New York
No. 41-4699574
Qualified in Queens County
Commission Expires Oct. 31, 1993

At Chambers of the Surrogate's Court
held in and for the County of New
York at the Surrogate's office in
the Hall of Records in said County
on the 29 day of October, 1962.

P R E S E N T :

HON. S. SAMUEL DIPALCO
Surrogate

OCT 30 1962
FILED
CLERK

----- X
Probate Proceeding, Will of
MARILYN MONROE
Deceased
----- X

DECREE ADMITTING WILL
P. 2781-1962

The citation herein having been duly issued, served
and returned, and the Surrogate having, on his own motion ap-
pointed ARTHUR N. FIELD, ESQ., special guardian of the decedent's
estate, Gladys Baker, an incompetent, the allegations of the
parties appearing having been heard, and the proofs having been
duly taken by the Surrogate, among other things as to the
execution of the paper writing dated January 14, 1961 which has
been offered for probate as the Last Will of Marilyn Monroe,
and the probate of said Will not having been contested, and it
appearing to the Surrogate that the Will was duly executed,
and that the Testator at the time of executing it, was in all
respects competent to make a Will and not under any restraint,
it is

ORDERED, ADJUDGED AND DECREED that the instrument
offered for probate herein be and the same hereby is admitted
to probate as the Last Will and Testament of Marilyn Monroe,

deceased, valid to pass real and personal property, and that letters testamentary be issued thereon to the Executor and Trustee, upon qualifying thereunder and executing a bond according to law with sufficient sureties to be approved by the Surrogate in the ~~penalty~~ of ^{100,000} ~~100,000~~ Dollars, for the Executor and in the ~~penalty~~ of ^{50,000} ~~50,000~~ Dollars, for the Trustee, for the proper performance of his respective duties;

And that ARTHUR N. FIELD, ESQ., the special guardian herein, is hereby allowed

Dollars as compensation for his services.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the letters testamentary shall contain an endorsement restraining the executor from the receipt of assets exceeding the aggregate value of ONE HUNDRED THOUSAND (\$100,000.) DOLLARS until further order, and that letters of trusteeship shall contain an endorsement restraining the trustee from receiving assets in excess of FIFTY THOUSAND (\$50,000.) DOLLARS until the further order of the Surrogate.

P5429

Surrogate

*Two bonds approved
October 30 1962
P.W.*

ORIGINAL ADMITTED TO PROBATE October 30, 1962
AT TRUE COPY
Robert M. Kearns
CLERK OF THE SURROGATES COURT
SATIFIED November 19, 1992 -2-

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

NANCY MIRACLE,	)	CIVIL NO. 92-00605ACK
aka, NANCY MANISCALCO GREEN,	)	(Non-Motor Vehicle Tort)
)	
Plaintiff,	)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
ANNA STRASBERG, as)	
Administratrix, c.t.a. of the)	
Last Will and Testament of)	
MARILYN MONROE.)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a copy of Notice of Hearing Plaintiff's Motion to Dismiss Complaint was duly served upon the following party at his address by the manner indicated:

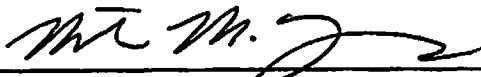
JOHNAARON MURPHY JONES, ESQ.
250 Kapili Street, Suite 305
Honolulu, HI, 96815

Mail

Attorney for Plaintiff

DATED: Honolulu, Hawaii,

November 9, 1992


MILTON M. YASUNAGA
Attorney for Defendant

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

To all to whom these presents shall come. Greeting:

By virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, under the seal of the National Archives and Records Administration, that the attached reproduction(s) is a true and correct copy of documents in his custody.



Signature <i>Patricia S. Bailey</i>	
NAME PATRICIA S. BAILEY	DATE February 6, 2008
TITLE Acting Director, Records Center Operations	
NAME AND ADDRESS OF DEPOSITORY Office of Regional Records Services Pacific Region (San Francisco) 1000 Commodore Drive San Bruno, CA 94066-2350	

*U.S. GPO: 1984-334-122/79063.

NA FORM 13040 (10-86)

ANNA KRASBERG, as
Administratrix, c.t. of the
Last Will and Testament of
MARILYN MONROE.

Defendant

MEMORANDUM IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS
COMPLAINT; EXHIBITS "A" - "D";
CERTIFICATE OF SERVICE

Date: December 14, 1992
Time: 10:30 a.m.
Judge: Alan C. Kay

Trial Date: Not Assigned

NOTICE OF HEARING RE DEFENDANT'S
MOTION TO DISMISS COMPLAINT

TO: JOHNAA MURPHY JONES
Plaintiff's Attorney
250 Kapiolani Street, Suite 305
Honolulu HI 96815

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